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EMBASSY OF THE
UNITED STATES OF AMERICA

Buenos Aires, Argentina
MEMORANDUM OF CONVERSATION

DATE: December 5, 1984

PARTICIPANTS:

ARGENTINA

Dr. Emilio Mignone
President, Center for Legal and
Social Studies (CELS)

Dr. Leandro Despovv
Advisor to the Director General for
Human Rights of the Ministerio de
Relaciones Exteriores

UNITED STATES

Robert Morley, Director, ARA/SC
Richard Howard, Political Counselor
Deborah Hauger, Summer Intern

PLACE:

Mr. Richard Howard's Residence,
November 28, 1984

SUBJECT: Current Status of "Dirty War" Judicial Proceedings

COPIES TO: AMB
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Meeting with us the evening the Sabato report was publicly released, Dr. Emilio Mignone, President of the Center for Legal and Social Studies (CELS) and a prominent human rights leader, discussed the current judiciary proceedings against military personnel charged with "dirty war" crimes.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☒ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to

Date ☐ Declassify on ☐ Reason

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"Dirty War" Judicial Proceedings

Mignone discussed three major points about the judicial proceedings on human rights abuses carried out under the military government: (1) the political motives behind Alfonsin's decision to turn the prosecution of the military over to the Supreme Council of the Armed Forces; (2) Mignone's belief that the military must be completely purged; and (3) the question of amnesty.

Mignone feels that Alfonsin's decision to prosecute the military through the Supreme Council of the Armed Forces had two basic political motives. First, the President wanted to give the armed forces an opportunity to purge itself, and through this internal self-cleansing process restore public confidence in the military structure. He said that the Alfonsin administration believed the Argentine public would consider a military court ruling against its own accused a strong statement of official military "recognition of wrongs." The second motive that Mignone cited was the President's very real need to prosecute justly the accused military officials without destroying the military's integrity as an institution or preventing it from carrying out its constitutionally designated function of protecting Argentine sovereignty. Though he adamantly supports a more expedient and rigorous prosecution of military violators, Mignone does not, however, quarrel with the basic political motives behind Alfonsin's decision to turn the cases over to the Supreme Council of the Armed Forces. Mignone is convinced that the judicial prosecution of military leaders will be an exceptionally lengthy process.

According to Mignone, the need for a thorough purging of the military and the question of amnesty go hand in hand. Mignone believes the military needs to be purged from top to bottom in order to break what he calls a "continuing downward spiral," the result of the extremely negative image that a majority of Argentines currently have of the military. He asserted that public reaction to military officials' violations of human rights is having a tremendous effect on the future of the military as an institution. The spiral is particularly evident in the declining enrollment at the national academies for the armed forces. Mignone claims that the only young people enrolling in military institutions are sons of military officers. Mired in "old school" military thinking, those officers pass that mentality on down to their next generation. To break this pattern and reinvigorate the Armed Forces, Mignone proposes a complete internal reform of the military, from its most basic foundations to its ultimate leadership.

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Mignone contends that the military's decision to use clandestine "unofficially recognized" methods of eliminating suspected subversive elements in Argentina was a unified policy decision adopted by all three branches of the armed forces. This unofficial policy of repression was applied throughout the entire military chain of command. It therefore follows that the only way to purify the system is to purge without exception since the whole hierarchy participated in the corruption.

Mignone fears that the government, after judging the former junta members, may agree to an amnesty, and he is firmly opposed to any amnesty, even for military personnel involved to lesser degrees in the "dirty war" crimes. He points out that one of the greatest difficulties for the government should it eventually propose some form of amnesty will be determining whether an official carrying out a direct order related to the legal apprehension and detention of "suspected subversives" did so in a responsible manner, or whether the manner in which the order was carried out was an abuse of authority and a violation of basic principles of human rights (i.e. torture, execution). Mignone contends that any degree of willing involvement in the "dirty war" methods of sequestering and eliminating individuals constitutes an "abuse," and that the orders to torture and eliminate were in themselves a human rights violation. Mignone contends that amnesty should only be considered in those cases where it can be determined that the military person in question legally detained the suspect, transported him to a legitimate prison (not a clandestine detention/torture center) and carried out said orders with no knowledge or suspicion that the individual involved could subsequently be tortured or killed clandestinely.

COMMENT: Mignone, whose daughter was killed during the dirty war, is an implacable critic of the military and extremely active in CELS's efforts to prosecute all who were responsible for excesses during the "dirty war." His proposal that a complete purging of the military would ultimately save the military institution should be viewed in this context and is debatable at best. It is hard to imagine that punishment of even the lowest officers and enlisted men involved in the Junta crimes would help build a new and more democratic institution, much less encourage new recruits to join an institution where following a commanding officer's direct order later resulted in criminal prosecution.

It is interesting to note that though Mignone is one of the leading Human Rights activists most committed to a stringent prosecution of the military, he is quite critical of the hard-line stance taken on by the Madres and Abuelas de la Plaza de Mayo.

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He feels that these two organizations have alienated themselves from other human rights organizations at a time when the human rights efforts in Argentina needs to be as unified as possible.
END COMMENT.

POL:DHauger: mh *ja* 2/2/84

Clearance:

AMB:FVortiz *AD*

DCM:JABushnell

POL:RBHoward *ja*

POL:JJCaragher *ja*

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